IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.679 OF 2006

Shri Balu Ganpat Gawale ...Applicant.

V/s

State of Maharashtra
(At the instance of Murbad
Police Station) ...Respondents.

Mr. Gopal V. Bhagat for the applicant.

Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 20TH FEBRUARY, 2006

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant has an apprehension that he is likely to be arrested in connection with CR No.I-4/06 which is registered at Murbad Police Station for offence punishable under section 306 of the Indian Penal Code.

3. The prosecution case is that the applicant's sister-in-law Seema Shanker Selvale committed suicide on 17/11/2005. The applicant and the brother of the deceased went to the Police Station and the statement of the brother of the deceased was recorded and an offence was registered against Seema's husband and her

in-laws. Her husband was granted an anticipatory bail by the Court. It is alleged that the present applicant was harassing the husband of Seema and, therefore, he committed suicide. The prosecution case is that, therefore, the applicant had committed an offence under section 306 of the Indian Penal Code. The prosecution case is that the deceased had left a suicide note in which he has named the present applicant.

4. In my view, prima facie, case is made out by the applicant for grant of an anticipatory bail. The applicant and the brother of the deceased had filed a complaint and, thereafter, the accused in the said case had committed suicide. It cannot be said that the ingredients of section 306 are made out against the present applicant.

5. In the event of the arrest of the applicant, the applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. The applicant shall report to Murbad Police Station once in a week till filing of the charge-sheet and, thereafter, once in a month.

V.M. KANADE, J.